



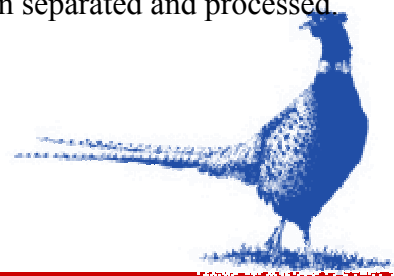
Senator Bob Oke's LEGISLATIVE UPDATE

26th Legislative District • P.O. Box 40426, Olympia WA 98504-0426 • (360) 786-7650

April 19, 2005

ELECTION CHALLENGE UPDATE

- ☑ Opening motions by both parties were filed on April 13 in preparation for the May 3 hearing before Judge Bridges to decide exactly what the Republicans will have to prove to get a new election, and how they have to prove it. The Republicans, as expected, are calling for a proportional deduction of illegal votes to prove the election was invalid. If the vote split in a precinct was 60 percent for Gregoire and 40 percent for Rossi and there were ten illegal votes, then Gregoire would lose 6 votes and Rossi should lose 4. The Democrats are arguing the burden of proof for illegal votes should fall to the Republicans, but the Republicans are arguing that the burden of proof that a vote wasn't illegal is on the counties where the errors occurred.
- ☑ "Appalling and totally unacceptable" is how Secretary of State Sam Reed reacted to the 94 unopened and uncounted absentee ballots from the November general election that were recently discovered in King County. Reed said the first task for the county is to create an accurate ballot count report.
- ☑ Former U.S. Senator Slade Gorton has joined the six Republican members of the Metropolitan King County Council in urging a criminal investigation of King County's election division.
- ☑ Washington State Attorney General Rob McKenna, a former King County councilman, called for an investigation into the unopened and uncounted ballots "by an authority outside of King County."
- ☑ King County council members have proposed two bills: One creating a citizens election oversight committee – like the one created after election problems in 2002 and 2003; and a second measure calling for an independent, outside management consultant with no partisan or county attachments, to audit the elections division's operations, protocols, systems and standards.
- ☑ King County Executive Ron Sims appointed a 10-member blue-ribbon election review commission including Nick Handy, state Elections Director in the Secretary of State's office; John Lindback, Oregon's Director of Elections; Suzanne Sinclair, Island County auditor; and chaired by former Group Health President and CEO Cheryl Scott. The commission held its first public meeting on April 12 and will issue a full report in July.
- ☑ After finding 14 unopened and uncounted absentee ballots from the November general election, Pierce County Auditor Pat McCarthy has announced she will make three changes to how ballots are processed:
 - Color-coded secrecy envelopes will be used so workers cannot miss them when separating them from the outer envelopes;
 - Outer envelopes that have punch-holes will be used so secrecy envelopes left inside will be visible; and
 - Outer envelopes will be inspected three times to ensure ballots have been separated and processed.



ELECTION REFORM UPDATE

On Monday, April 11, dozens of people rallied with Republican legislators on the steps of the capitol building calling for “real reforms” to the state’s election laws. Perhaps the most called for reforms are voter identification at the polls and proof of U.S. citizenship to register to vote. Both provisions were stripped from the Senate omnibus election reform bill (**Senate Bill 5499**) by the House State Government Committee.

Bill strengthening review of county election procedures goes to governor

The first election reform bill to move all the way through the Legislature requires each county’s elections procedures to be reviewed at least once every three years by the Secretary of State’s office. The county auditor or canvassing board is responsible for review follow up and must respond in writing with a list of steps to be taken to correct any problems that are identified. The Secretary of State’s office must verify that the corrective action was taken before the next state election. (**House Bill 1749**)

Bill requiring election worker manual goes to governor

Senate Bill 5564, a measure that requires all election workers to have a plain English, easy-to-understand manual for every step of the process was approved by the House on April 13 with no amendments. The bill passed the Senate on March 4 and now goes to the governor to be signed into law.

New statewide voter database in the works.

Under a federally financed program, Secretary of State Sam Reed is putting together a statewide voter database that will be on line in January 2006. This first-ever computerized state voter database will replace 39 separate county lists and will make it possible to find duplicate registrations and make sure felons, dead people and noncitizens aren’t allowed to vote. Reed is optimistic that the move will purge and protect the voting lists and guard legitimate voters from having their votes diluted by illegal votes. The database will include:

- The counties’ most recent voter registration lists;
- Social Security and Department of Health updates on deaths;
- Lists of felons from the Department of Corrections and Washington State Patrol, backed up by county court records;
- Data from the Department of Licensing to help match birth dates and addresses;
- A federal database of noncitizens, both legal and illegal.

SENATE REPUBLICANS’ CALL FOR NO NEW TAXES GETS BOOST FROM DROP IN STATE’S JOBLESS RATE

The evidence is mounting that the Republican’s no-new-taxes budget of 2003 was the right thing to do: The March 17 state revenue forecast showing \$739 million more for the coming biennium than previously expected was a good sign the state’s economy is bouncing back from the post-9/11 recession. The recently released March numbers for joblessness show the lowest unemployment rate since December 2000, just before the economy took a plunge. The key message here is that the action Republicans took two years ago when we did not raise taxes is an action we need to repeat. The economy will continue to grow and more jobs will be created if the state spends within its means. Only the Senate Republican spending plan for the next two years gets the job done without new taxes.

LEGISLATURE APPROVES REPEAL OF I-601

Despite efforts by House and Senate Republicans to stop the repeal of Initiative 601, just enough votes were garnered in the House (50) and Senate (25) to send **Senate Bill 6078** to the governor. Governor Gregoire signed the bill into law on April 18. This measure allows tax increases to be approved by a simple majority vote of the Legislature – Initiative 601 required a two-thirds vote of both Houses. The measure also changes how state government’s spending limit is calculated. Under I-601, the cap is tied to population growth and inflation. Under SB 6078, the spending limit is tied to 100 percent of personal income growth. This increases the spending cap from 7 percent to 11.5 percent.

SENATE APPROVES OPTIONS TO JAIL TIME FOR LOW-RISK, NON-VIOLENT OFFENDERS

The Senate this week approved two measures that allow more non-violent offenders to participate in alternatives to jail time to ease overcrowding - without posing a risk to the public. The first measure, **House Bill 1136**, creates a new electronic home monitoring program for low-risk offenders. Between January 1, 2006 and December 31, 2006 the Department of Corrections must work to place at least 100 low-risk community custody violators on electronic home monitoring. This is an alternative to putting the offender back in jail for not following the rules under community custody provisions. The bill is on its way to the governor to be signed into law. The second measure, **House Bill 2015**, expands the Drug Offender Sentencing Program for offenders with a substance abuse problem, but no violent offenses or no sex offenses. A Republican amendment limits an offender's chances to go through treatment to two times. The program only works if the offender is willing to help himself or herself. The amendment protects the program from abuses. This measure now goes back to the House for concurrence in the Senate amendment.

IDENTITY THEFT BILLS MOVING, TWO GO TO GOVERNOR

●Under the provisions of **Senate Bill 6043**, any agencies, individuals or businesses that maintain a computerized database with encrypted personal information must notify customers if there has been any breach of security. Customers injured by a violation of this notice requirement may bring civil action for damages. This bill was prompted by a company accidentally selling information about customers to a criminal enterprise. More than 145,000 people were affected – 3,000 in Washington State. Only California had a law requiring disclosure of the exposure. Twenty other states are now considering laws similar to SB 6043. The House and Senate have both approved this measure and it is on its way to the governor to be signed into law.

●Under the provisions of **Senate Bill 5939**, co-sponsored by **Sen. Oke**, a person reporting identity theft to a law enforcement agency must be given a copy of his or her police report. Current Washington law allows a victim of identity theft to permanently block a consumer credit reporting agency from reporting information the consumer identifies as being the result of identity theft. Federal law has similar blocking provisions. However, the consumer must submit a copy of his or her identity theft police report to take advantage of these laws. House amendments to SB 5939 have been approved by the Senate and the bill is on its way to the governor to be signed into law.

●Under the provisions of **Senate Bill 5418**, victims of identity theft may place a security freeze on their credit reports. This prevents the reports from being released and in most cases will stop thieves from being able to open credit card accounts or other services requiring a credit check. The Senate passed this measure on March 2, but the House amended it – sending it back to the Senate for another vote.

AMBER ALERT BROADCASTERS GIVEN IMMUNITY FROM CIVIL LIABILITY

The governor will soon receive a bill that ensures local radio and television stations will continue to broadcast Amber Alerts when a child is missing and thought to be abducted. TV and radio stations receive information about a missing child from law enforcement agencies and pass the message through to the public. Time is critical in finding a missing child because a study shows that 74 percent of them are killed in the first three hours after abduction. Broadcasters do not have the time to investigate and confirm information; they rely on it being accurate. **Senate Bill 5453** provides broadcasters the immunity from civil liability they need to get the message out as soon as possible. SB 5453 has been approved by both the House and Senate and is expected to be signed into law.

SENATE APPROVES BILL TO MAKE IT HARDER FOR CRIMINALS TO GET INGREDIENTS TO MAKE METH

In an effort to keep people from buying large amounts of legal cold medicine products containing ingredients used to make methamphetamine, the Senate this week approved **House Bill 2266**, a measure that requires such products be kept behind the sales counter and limits the sales to persons age 18 or older. The measure also requires that the purchaser show picture ID. The measure has to go back to the House for concurrence because the Senate removed a provision requiring retailers to keep a log of sales. The Senate version calls for a study of how to best to keep a log that will not be burdensome on the retailer and will be useful to law enforcement tracking down people buying the products in several locations in a short period of time.

MARCH RAIN AND SNOW WELCOMED, BUT NOT ENOUGH

Just days after an official drought was declared for Washington, the rain in Western Washington came back and snow in the mountains created an unexpected bonanza for skiers. Unfortunately, 10 to 20 times more snow would need to accumulate to stave off a drought this year. According to the Natural Resources Conservation Service, 2005 is still shaping up to be the worst water-supply season on record.

HELP IN APPEALING ENVIRONMENTAL DECISIONS ON ONLINE

The State Environmental Hearings Office now provides improved online services to assist citizens who wish to appeal local government and state Department of Ecology environmental decisions to the Shorelines Hearings Board, the Pollution Control Hearings Board, the Forest Practices Appeals Board, the Hydraulics Appeals Board and the Environmental and Land Use Hearings Board. Decisions by these boards going back to 1970 are also online. The Web address is: www.eho.wa.gov

SPORTS FISHERS TO GET EXPANDED SALMON-FISHING OPPORTUNITIES THIS SUMMER

A comprehensive fishing regulation package recently completed by the Washington State Department of Fish and Wildlife expands fishing opportunities to fish for hatchery Chinook salmon and healthy wild stocks in several marine and freshwater areas. For locations and seasons go online to:
<http://wdfw.wa.gov/do/apr05/apr0705b.htm>.

Legislative toll free hotline: 1-800-562-6000

TTY: 1-800-635-9993

Senate Republican Web site: www.src.wa.gov

Legislature's Web site: <http://www1.leg.wa.gov/legislature>

Senator Oke's Web site: <http://www1.leg.wa.gov/Senate/SRC/Senators/Oke.htm>